

1
2
3
4 JAMIE DEJESUS,
5 Plaintiff,
6 v.
7
8 STONELEIGH RECOVERY
9 ASSOCIATES, LLC,
10 Defendant.

11 Case No. [15-cv-03830-JSC](#)

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 **ORDER REGARDING VOLUNTARY
DISMISSAL**

The Court is in receipt of Plaintiff's Notice of Voluntary Dismissal. (Dkt. No. 9.) The Notice asks this Court to sign the dismissal and retain jurisdiction of the settlement. Defendant has not appeared in this action and thus has not consented to the jurisdiction of the undersigned magistrate judge; accordingly, the Court cannot retain jurisdiction of the settlement. Plaintiff therefore has two options.

First, Plaintiff can voluntarily dismiss this action pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) since Defendant has not answered nor moved for summary judgment. Such dismissal does not require a court order and therefore does not require the defendant's consent. Upon such dismissal, however, the Court does not retain jurisdiction of the settlement.

Second, if the parties would like the Court to retain jurisdiction of the settlement, the parties must jointly request via stipulation of dismissal that the Court do so and Defendant must file a consent to magistrate judge jurisdiction.

However the parties decide to proceed, they shall file their submission on or before November 20, 2015.

IT IS SO ORDERED.

Dated: November 12, 2015

United States District Court
Northern District of California


JACQUELINE SCOTT CORLEY
United States Magistrate Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28